ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT IMPACT, and DECISION RECORD FORM[1]

ENVIRONMENTAL ASSESSMENT

EA Number: OR-080-04-02

BLM Office: Cascades Resource Area, Salem District Office, 1717 Fabry Road SE, Salem, Oregon, 97306

Proposed Action Title: Minsinger Bench Stream Restoration

Type of Project: Instream structure installation, streambank reshaping, grade control alteration.

Location of Proposed Action: Township 2 South, Range 6 East, Sections 20 & 21, Willamette Meridian; approximately 10 miles east of the City of Sandy (See Vicinity Map, p.2).

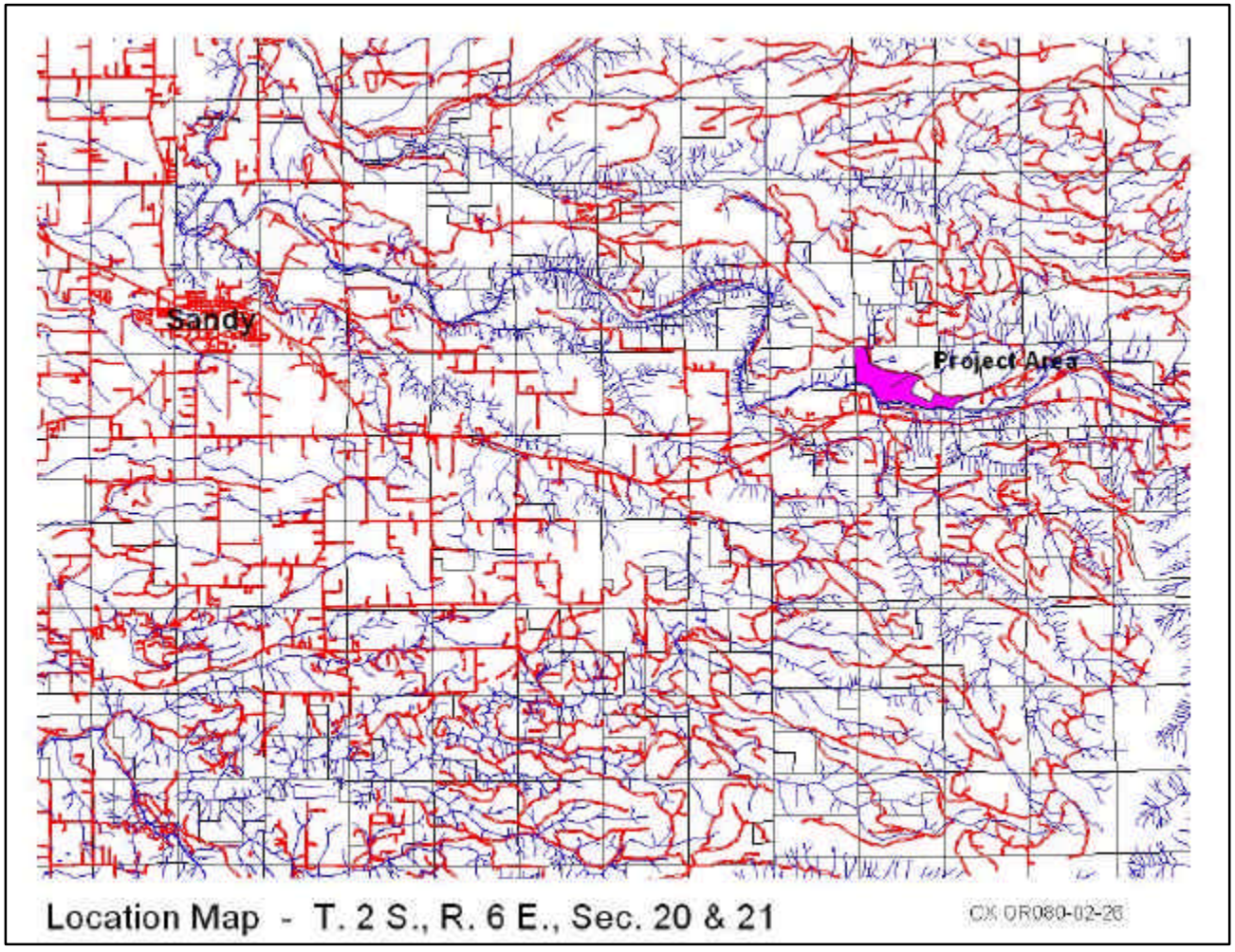
Conformance with Applicable Land Use Plan: The proposed action is in conformance with the following documents: *RMP (Salem District Record of Decision and Resource Management Plan*), (p. 27) May 1995; *Upper Sandy Watershed Analysis,* 1996, the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* and *Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, April 1994; *the Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines*, January, 2001; *Minsinger Bench Reforestation Project, Environmental Assessment and Finding of No Significant Impact*, September, 2002.

Purpose of and Need for Action: Forest removal in the 1940's to provide hay crops and grazing pasture on the newly acquired Minsinger Bench lands, including removal of vegetation from the riparian areas of the streams that flow through the property has resulted in simplified, homogenous stream habitat. West Creek, where it exits a culvert under the Marmot Road, has degraded its bed, become incised into the adjacent pasture land, and is beginning to undermine the roadbed of the Marmot Road. The purposes of this project are to improve habitat complexity for cutthroat trout, the only fish species known to inhabit the stream, restore some sinuosity (meanders) to the stream channel, provide some degree of protection to the impacted portions of the road, remove invasive weeds and restore native riparian vegetation, and remove a portion of an earthen dam to allow the stream to establish a gradient that more closely resembles its natural

[1] Pursuant to BLM Handbook 1790-1, Rel. 1-1547, 10/25/88, page IV-11, it is appropriate to use this form when all the following conditions are met: 1/ Only a few elements of the human environment are affected by the proposed action; 2/ Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts; 3/ There are no program-specific documentation requirements associated with the action under consideration; 4/ The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered; 5/ The environmental assessment is not likely to generate wide public interest and is not being distributed for public review and comment; and 6/ The proposed action is located in an area covered by an existing land use plan and conforms with that plan.

grade. The dam does not effectively impound water and is currently a source of sediment due to collapsing fill.

Vicinity Map



Description of the Proposed Action: A tracked excavator would be used to construct up to12 log and boulder structures within approximately 800 feet of West Creek downstream of its crossing of the Marmot Road. Structures would be designed to provide habitat complexity, move the stream away from the road where channel morphology allows, and provide stability to the roadbed where the stream is beginning to erode it. Logs, boulders and rootwads (if available) would be used in combination to create the desired habitat characteristics. No cables or non-natural materials would be used to secure the structures. All structures would be designed to allow for upstream passage of cutthroat trout at all flows. In some locations, particularly those where the stream would be deflected away from the road, the excavator would be used to pull back the streambank to at least a 1.5/1 ratio. Excavated material would be spread on the adjacent pasture land.

At the downstream end of the project area the excavator would be used to breach an earthen dam,

removing a collapsed culvert and stabilizing the dam outlet. Logs and/or boulders may be used to stabilize the dam outlet. Material excavated from the dam would be placed in stable locations in the old spillway of the dam and in the adjacent pastureland.

The excavator would also be used to remove dssignated patches of blackberry and scotch broom. Pulled plant material would be piled on site.

A self-loading log truck would be used to transport logs to the project site from an existing stockpile of logs recovered from a road widening project. Boulders would be purchased from a nearby source and trucked to the site. Rootwads would also be trucked to the site if a source is located. Any boulders recovered during excavation at the project site may also be used.

Some ground disturbance in the stream channel will be caused by the excavation activity and structure installation. Some disturbance of the adjacent riparian areas may be caused by movement of the excavator along the stream channel, however, little riparian vegetation on the west side of the creek where the excavator would operate presently exists. Where ground compaction occurs, compacted soil would be ripped with the excavator bucket upon completion of the project. All areas of disturbed soil would be seeded with a native grass/forb mixture. The riparian area along West Creek would be planted with native conifers, shrubs and forbs. Control of invasive plants will be continued through an integrated weed management program.

The project would be implemented between July 15 and August 31, 2004.

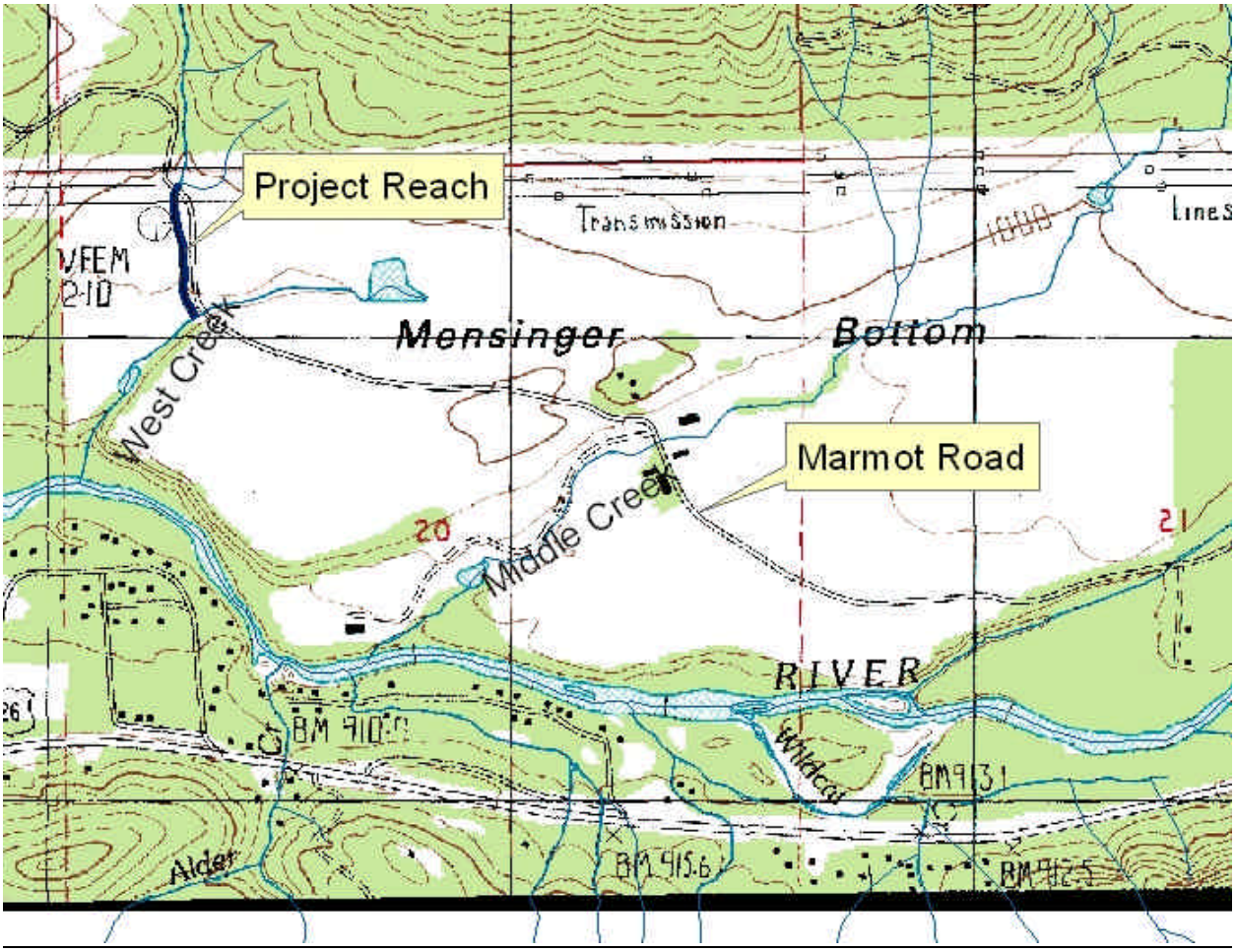
Design Features: All in-water work would be conducted within the in-water work window (July 15-August 31) recommended by the Oregon Department of Fish and Wildlife.

Where necessary to avoid turbidities exceeding state standards, water would be pumped around the area of work to reduce erosion.

Filter cloth and bio-bags would be placed downstream of the project area to prevent sediment from entering the Sandy River.

All areas with disturbed soil would be seeded with a native grass/forb mix, and planted with conifers and shrubs. Hydromulching would accompany seeding to reduce soil erosion and improve seed germination.

Project Map



Consultation and Public Involvement:

ESA consultation (NOAA Fisheries): A determination was made that the project would have "no effect" on Lower Columbia River steelhead trout or Lower Columbia River chinook salmon (see Table 1: *Threatened or Endangered Fish Species or Habitat*) . As a result of the "no effect" determinations, no consultation with NOAA Fisheries is necessary.

ESA consultation (US Fish & Wildlife Service): The project would have "no effect" on the northern spotted owl or the bald eagle (see Table 1: *Threatened or Endangered Wildlife Species or Habitat*). As a result of the "no effect" determinations, no consultation with the US Fish & Wildlife Service is necessary.

Public Involvement: A scoping letter for the proposed action was posted on the Salem District BLM website. No public comments were received in response to the scoping.

Affected Environment: The project area is within the Riparian Reserve and Proposed Area of Critical Environmental Concern (ACEC) Land Use Allocations, as identified in the RMP.

Environmental Impacts:

The interdisciplinary team reviewed the elements of the human environment, required by law, regulation, Executive Order and policy, to determine if they would be affected by the proposed action. Tables 1 and 2 summarize the results of that review.

Unless otherwise noted, the effects apply to the proposed action; the No Action Alternative is not expected to have adverse effects to these elements.

Table 1: Critical Elements of the Human Environment (BLM H-1790-1, Appendix 5)

Critical Elements Of The Environment	Status: (i.e., Not Present , Not Affected, or Affected)	Remarks or Environmental Effects (if not affected – why) if Affected (summary of environmental effects)
Air Quality	Not Affected	Prescribed burning is not part of the proposal.
Areas of Critical Environmental Concern	Present	The area is a proposed ACEC. The project would result in enhanced riparian habitat.
Cultural, Historic, Paleontological	Not Affected	Survey will be completed prior to commencement of ground disturbing activities; if found, sites will be avoided.
Prime or Unique Farm Lands	Not Present	
Flood Plains	Not Present	
Native American Religious Concerns	Not affected	Past activities within this area have not resulted in tribal identification of concerns.
Threatened or Endangered Plant Species or Habitat	Not Present	
Threatened or Endangered Wildlife Species or Habitat	Not Present	No suitable habitat or critical habitat for the Northern spotted owl exists within 0.25 mile of the project area. No known bald eagle nest or communal roost sites exist within 0.25 mile of the project area.
Threatened or Endangered Fish Species or Habitat	Not Affected	Lower Columbia River steelhead trout and chinook salmon are found in the Sandy River approximately 0.25 mile downstream of the project area. Neither species inhabits West Creek. Approximately 400 feet downstream of the project area is a pond that, for the duration of this project, will serve as a settling pond for sediment generated by excavation in West Creek. Water will be pumped around the area of work at each structure site. Most of the sediment from the project is expected to settle out in the pond. Filter cloth and bio bags will be placed at the outlet end of the pond to prevent sediment outflow. If any sediment does flow out of the pond and into the Sandy River, it will occur at a season in which the Sandy River has high background turbidity from glacial flour.
Hazardous or Solid Wastes	Not Present	

Critical Elements Of The Environment	Status: (i.e., Not Present , Not Affected, or Affected)	Remarks or Environmental Effects (if not affected – why) if Affected (summary of environmental effects)
Water Quality (Surface and Ground) (including stream temperature, sedimentation)	Affected	A short-term, localized increase in turbidity and sedimentation would occur in West Creek during project implementation from excavation associated with installation of instream structures and breaching of the earthen dam. Sediment traps placed downstream of the project area are expected to prevent most of the sediment from entering the Sandy River. In the long-term the project is expected to stabilize the streambed and reduce the sediment yield of West Creek and sediment input to the Sandy River.
Wetlands/Riparian Zones (including structural diversity)	Affected	The project would occur within the riparian area of West Creek. One objective of the project is reestablishment of riparian vegetation along the reach of West Creek to be treated under this proposal. Currently the area is mainly devoid of riparian vegetation. Most of the vegetation present is scotch broom and blackberry.
Wild and Scenic Rivers	Not Present	
Wilderness	Not Present	
Invasive, Nonnative Species	Not Affected	Equipment would be washed prior to entering and before leaving BLM lands. Areas of disturbed soil would be seeded or planted with a native grass/forb mix following project implementation.
Environmental Justice	Not Affected	The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
Adverse Impacts on the National Energy Policy	Not Affected	This is not an energy project and would not limit or impact future energy projects.

Table 2: Other Elements of the Human Environment

Other Elements Of The Environment	Status: (i.e., Not Present , Not Affected, or list species or elements affected by this project)	Remarks or Environmental Effects (if not affected – why) if Affected (summary of environmental effects)
Coastal zone	Not Present	
Fire Hazard/Risk	Not Affected	No project activities will present an increased fire hazard or risk of ignition.
Fish Species with Bureau Status and Essential Fish Habitat	Not Present/Not Affected	No fish species with Bureau Status are present within the project area. The project would have no effect on Essential Fish Habitat as designated by the Magnuson-Stevens Act.
Resident Fish Species	Affected	The project is expected to have a beneficial effect on resident cutthroat trout by increasing habitat complexity, providing overhead cover restoring riparian vegetation.
Late successional and old growth species habitat and ecosystems	Not present	
Mining claims, mineral leases, etc	Not Present	
Recreation	Not Affected	West Creek is not large enough to be used for boating. The proposed action should not affect any other uses.
Rural Interface Areas	Not Present	
Soils (Site Productivity)	Not Affected	If machinery used for the project results in ground compaction, the surface of the compacted ground will be ripped with the teeth on the excavator bucket upon project completion.

Other Elements Of The Environment		Status: (i.e., Not Present , Not Affected, or list species or elements affected by this project)	Remarks or Environmental Effects (if not affected – why) if Affected (summary of environmental effects)
Special Areas (Within or Adjacent)		Not Present	
Special Status and SEIS Special Attention Plant Species/Habitat (including Survey and Manage) (RMP pages 28-33, Appendix B-1:1- B-2:4)		Not Present	No known Special Status and SEIS Special Attention Plant Species exist within or near the project area.
Special Status and SEIS Special Attention Wildlife Species/Habitat (including Survey and Manage) (RMP pages 28-33, Appendix B-1:1- B-2:4)		Not Affected	No known Special Status and SEIS Special Attention Wildlife Species are potentially affected by this project.
Visual Resources		Affected	Because the project area is on recently acquired lands, it has not been assigned a VRM Classification, however, the scope of the project is very small and changes to the visual character would only be observable during the installation period. The instream structures would be natural in appearance after installation.
Water Resources	Aquatic Conservation Strategy Objectives	See Appendix 1	See EA Appendix 1 – ACS Review Summary
	Other water components (DEQ 303d listed stream, DEQ 319 assessment, water quantity)	Not Affected	The Sandy River is listed as water quality limited on 303(D) from 0-29.5 miles for dissolved oxygen and summer stream temperatures. The project will have no effect on dissolved oxygen or summer stream temperatures in the Sandy River.
	Downstream Beneficial Uses (Salem FEIS pp. 3-9)	Not Affected	Beneficial Uses Present (Downstream from Project): Irrigation, cold water fisheries. Irrigation and livestock watering practices within the project have been discontinued. The project will not affect cold water fisheries downstream of the project area.
	Key Watershed	Not Affected	The Upper Sandy Watershed is not a Key Watershed as designated by the Northwest Forest Plan.

Interdisciplinary Team:

Resource	Name	Initial	Date
Cultural Resources	~~Pete Hazen~~ Frances Phillipek	FMP	6/1/04
Hydrology/ Water Quality and Soils	Patrick Hawe	WPH	5/10/04
Botany TES and Special Attention (including Survey and Manage) Plant Species	Claire Hibler	CH	6/14/04
Wildlife TES Species	Jim England	JE	5/11/04
Special Attention (including Survey and Manage) Animal Species	Jim Irving	JWI	5/14/04
Fisheries	Dave Roberts	DAR	5/14/04
Ecology	Barbara Raible	BR	6/1/04
Wild and Scenic Rivers/ Wilderness/Recreation Sites/ Visual Resources Management / Rural Interface	Laura Graves	LG	5/10/04
NEPA/Plans	Carolyn Sands	CDS	6/14/04

EA Prepared By: David G. Rhew Date: 5/10/04

EA Reviewed By: Carolyn Sands Date: 6/14/04

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-080-04-02), I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. I have also determined that the proposed action is in conformance with the approved land use plan. It is my decision to implement the proposed action, as described in the EA.

Right to Appeal: This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and the Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay: Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,
(2) The likelihood of the appellant's success on the merits,
(3) The likelihood of immediate and irreparable harm if the stay is not granted, and
(4) Whether the public interest favors granting the stay.

Implementation Date: Implementation of this decision may begin 30 calendar days after the public notice of the Decision Record appears in the *Sandy Post.*

Contact Person: For additional information concerning this decision or the appeal process, contact Dave Roberts at (503) 375-5672 or Carolyn Sands at (503) 315-5973, Cascades Resource Area, Salem District, 1717 Fabry Road, Salem, Oregon 97306.

Authorized Official: Cindy Enstrom Date: June 16, 2004
Cindy Enstrom, Field Manager, Cascades Resource Area

APPENDIX 1: Aquatic Conservation Strategy Objective Review Summary

Table 3. Aquatic Conservation Strategy Objective Review Summary. This table documents the predicted effects on the nine ACS (Aquatic Conservation Strategy) Objectives identified on pages 5-6 of the Salem District Resource Management Plan, dated May 1995, if the proposed action was implemented.

Aquatic Conservation Strategy Objectives	**Does the project retard or prevent attainment of this ACS objective?** **Yes/ No/ Not affected**	**Remarks / References** **If yes, how?** **If no, why not?**
1) Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of aquatic systems to which species, populations and communities are uniquely adapted.	No	One of the project objectives is to restore the diversity and complexity of instream habitat in West Creek to improve habitat quality for native cutthroat trout. At the watershed and landscape scales, such features would be maintained.
2) Maintain and restore spatial and temporal connectivity within and between watersheds.	No	Structures would not impede habitat access for cutthroat trout or other aquatic biota, thereby maintaining spatial connectivity. Connectivity between watersheds would also be maintained.
3) Maintain and restore physical integrity of the aquatic system including shorelines, banks and bottom configurations.	No	Restoration of physical integrity in West Creek will be improved by restoring some sinuosity to the channel, by stabilizing the streambank where it is undermining the roadbed, by pulling back banks to allow the stream access to its floodplain, by removing invasive non-native plant species from the riparian areas and by revegetation of the banks with native riparian species.
4) Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems.	No	Reestablishment of riparian vegetation and stabilization of the banks are expected to improve water quality in the long-term by reducing erosion which will decrease the sediment and turbidity in West Creek, and by increasing stream shade which will decrease water temperature.
5) Maintain and restore the sediment regime under which aquatic ecosystems evolved.	No	Reestablishment of riparian vegetation and stabilization of the banks are expected to improve water quality in the long-term by reducing erosion which will decrease the sediment and turbidity in West Creek.
6) Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.	No	Instream flows are expected to be maintained at current levels. No project activities will have an effect on instream flow levels.

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Aquatic Conservation Strategy Objectives	**Does the project retard or prevent attainment of this ACS objective?** **Yes/ No/ Not affected**	**Remarks / References** **If yes, how?** **If no, why not?**
7) Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.	No	Reestablishment of sinuosity and pulling back of the streambanks are expected to increase the frequency and duration of floodplain inundation in West Creek. Currently the stream is incised to such a degree that it rarely, if ever, has access to its floodplain.
8) Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands.	No	Removal of non-native invasive plants and reestablishment (restoration) of riparian vegetation along the project reach of West Creek is one of the objectives of the project.
9) Maintain and restore habitat to support well-distributed populations of native plant, invertebrate, and vertebrate riparian dependent species.	No	Restoration of habitat to support native cutthroat trout is the main objective of the project. Other native riparian dependent vertebrates, invertebrates and plants are sure to benefit from the restoration.